

PLANNING COMMISSION MINUTES

November 20, 2008

City Council Chambers
City Hall, 240 Water Street
Henderson, Nevada 89015

I. CALL TO ORDER

Chairman Shaw called the meeting of the Henderson Planning Commission to order at 7:00 p.m. on November 20, 2008, in the City Council Chambers, City Hall, 240 Water Street, Henderson, Nevada.

II. CONFIRMATION OF POSTING AND ROLL CALL:

The Planning Commission Coordinator confirmed the agenda was posted three working days prior to the meeting in accordance with the Open Meeting Law by posting in the four Official Bulletin Boards within the City Limits of the City of Henderson. In addition, copies of the agenda were mailed to each person having an item on the agenda and to all those on the Agenda Master Mailing List.

PRESENT: Chairman Dan Shaw
Commissioner Craig Burr
Commissioner Sam Bateman
Commissioner Joe Belingheri
Commissioner George T. Bochanis
Commissioner Terry Mannion

EXCUSED: Commissioner Debra March

COUNCIL REP: None

STAFF: Tracy Foutz, Assistant Community Development Director
Scott Majewski, Principal Planner
Eddie Dichter, Principal Planner
Elizabeth Quillin, Deputy City Attorney
Darlene Pekarek, Planning Commission Coordinator
Nanci Bowen, Department Records Clerk
April Parra, Minutes Clerk

III. PLEDGE OF ALLEGIANCE:

Chairman Shaw led those present in the Pledge of Allegiance.

IV. ACCEPTANCE OF AGENDA:

Commissioner Belingheri introduced a motion to accept the agenda as amended:

Item 9 was continued to the January 15, 2009, Planning Commission meeting.

The motion was approved unanimously.

After voting, Chairman Shaw explained that based on staff's recommendation and in accordance with Planning Commission policy, the Planning Commission will move to continue all the items for 30 days or the date set within staff's report. Anyone wishing to comment on any of these items being continued or are unable to attend other meetings to which the items will be continued, may submit their written comments to the Community Development Department.

V. CONSENT AGENDA:

Chairman Shaw introduced the Consent Agenda offering anyone present an opportunity to remove any items for discussion.

1.	MINUTES	REGULAR MEETING – OCTOBER 30, 2008	FINAL
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Approval of the Regular Meeting - October 30, 2008, Planning Commission minutes.

(Motion) Commissioner Mannion introduced a motion recommending final approval of the Regular Meeting - October 30, 2008, Planning Commission minutes.

The vote favoring approval was: Those voting aye: Bochanis, Bateman, Belingheri, Burr, Mannion, and Shaw. Those voting nay: None. Those absent: March. Those abstaining: None. Chairman Shaw declared the motion carried.

2.	CUP-06-540052-E2	EXTENSION OF TIME CONDITIONAL USE PERMIT TAVERN AT AMERICAN PACIFIC AND ARROYO GRANDE APPLICANT: ZARVIAN, LLC	FINAL
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Extension of time for a conditional use permit for a Tavern located at 234 N. Arroyo Grande Boulevard, in the Green Valley South Planning Area.

(Motion) Commissioner Mannion introduced a motion recommending final approval, subject to findings of fact and conditions.

FINDINGS OF FACT

- A. The proposed use complies with all applicable provisions of the Development Code.
- B. The proposed use is compatible with adjacent uses in terms of scale, site design, operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts).
- C. Any significant adverse impacts resulting from this use will be mitigated or offset to the maximum practical extent.

- D. The proposed use will not cause substantial diminution on the value of other property in the neighborhood in which it is located.
- E. Public safety, transportation, and utility facilities and services will be available to serve the subject property, while maintaining sufficient levels of service to existing development.
- F. Adequate assurances of continuing maintenance have been provided.
- G. Any significant adverse impacts on the natural environment will be mitigated to the maximum extent.

PUBLIC WORKS DEPARTMENT CONDITION

- 1. The acceptance or approval of this item does not authorize or entitle the applicant to construct the project referred to in such application or to receive further development approvals, grading permits or building permits.

DEPARTMENT OF UTILITY SERVICES CONDITIONS

- 2. Applicant shall submit a utility plan and utility analysis for Department of Utility Services' approval.
- 3. All onsite utilities shall remain privately owned and maintained.
- 4. All water and sewer services shall comply with HMC Title 14 regarding public-public or private-private service requirements.
- 5. Applicant may be required to obtain municipal sewer service by connecting to the existing public sewer north of the intersection of American Pacific Drive and Arroyo Grande Boulevard and extending sewer full-frontage in accordance with the Department of utility Services' requirements.

COMMUNITY DEVELOPMENT DEPARTMENT CONDITIONS

- 6. Approval of this application requires the applicant to comply with all Code requirements not specifically listed as a condition of approval but required by Title 19 of the Henderson Municipal Code, compliance with all plans and exhibits presented and amended as part of the final approval, and compliance with all additional items required to fulfill conditions of approval.
- 7. Applicant shall comply with all conditions of approval for ZCA-06-660032.
- 8. This conditional use permit for a tavern shall expire on April 17, 2010, unless the use is established, commenced or extended in accordance with Section 19.2.8.L.
- 9. A minimum of 50 percent of the net floor area of the premises occupied by the restaurant with bar, after exclusion of the back of house areas, shall be designated as dining area. The back of the house includes such areas as cooking, kitchen preparation, office, storage and restrooms. Exterior seating areas may not be counted.

10. The actual seating capacity within the dining area must be able to accommodate a minimum of one hundred persons at all times. Exterior seating areas may not be counted.
11. Complete meals are to be served during all hours that the bar/lounge is open for business and a cook and a food server, other than the bartender, must be on duty at all such times.
12. Minors are allowed in the restaurant area of the tavern provided that there is a separation between the bar area and the restaurant area by a barrier sufficient to exclude minors from the bar area.
13. Should the Henderson Municipal Code's definition of "restaurant with bar" be revised in the future, such that this use complies with the new definition, the applicant must forfeit the tavern license in favor of a license for a restaurant with bar.
14. Hours of operation shall be limited to 6:00 a.m. to 2:00 a.m.

The vote favoring final approval was: Those voting aye: Bochanis, Bateman, Belingheri, Burr, Mannion, and Shaw. Those voting nay: None. Those absent: March. Those abstaining: None. Chairman Shaw declared the motion carried.

3.	CUP-06-540060-E2	EXTENSION OF TIME CONDITIONAL USE PERMIT TAVERN AT SUNSET AND WHITNEY RANCH, NEC APPLICANT: GOLDEN GAMING	FINAL
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Extension of time for a conditional use permit for a Tavern located at the northeast corner of Sunset Road and Whitney Ranch, in the Whitney Ranch Planning Area.

(Motion) Commissioner Mannion introduced a motion recommending final approval, subject to findings of fact and conditions.

FINDINGS OF FACT

- A. The proposed use complies with all applicable provisions of the Development Code.
- B. The proposed use is compatible with adjacent uses in terms of scale, site design, operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts).
- C. Any significant adverse impacts resulting from this use will be mitigated or offset to the maximum practical extent.
- D. The proposed use will not cause substantial diminution on the value of other property in the neighborhood in which it is located.
- E. Public safety, transportation, and utility facilities and services will be available to serve the subject property, while maintaining sufficient levels of service to existing development.
- F. Adequate assurances of continuing maintenance have been provided.

- G. Any significant adverse impacts on the natural environment will be mitigated to the maximum extent.

COMMUNITY DEVELOPMENT DEPARTMENT CONDITIONS

1. Approval of this application requires the applicant to comply with all Code requirements not specifically listed as a condition of approval but required by Title 19 of the Henderson Municipal Code, compliance with all plans and exhibits presented and amended as part of the final approval, and compliance with all additional items required to fulfill conditions of approval.
2. This conditional use permit shall expire on May 9, 2010., unless the use is established, commenced or extended in accordance with Section 19.2.8.L. of the Development Code.
3. A restaurant shall be operated at all times that the tavern is open for business.
4. A minimum of 50 percent of the net floor area shall be designated as dining area. Exterior seating areas may not be counted.
5. The actual seating capacity at all times within the dining area must be able to accommodate a minimum of one hundred persons. Exterior seating areas may not be counted.
6. Should the Henderson Municipal Code definition and requirements for a "restaurant with bar" be revised in the future such that this use complies with the new definition and requirements, the applicant must forfeit the tavern license in favor of a license for a restaurant with bar. In addition, this conditional use permit for a tavern shall revert to a conditional use permit for a restaurant with bar and all subject conditions shall apply to the subject restaurant with bar. This location may operate 24 hours.
7. Hours of operation for the eastside outside dining area shall be between the hours of 6:00 a.m. to 1:00 a.m.

The vote favoring final approval was: Those voting aye: Bochanis, Bateman, Belingheri, Burr, Mannion, and Shaw. Those voting nay: None. Those absent: March. Those abstaining: None. Chairman Shaw declared the motion carried.

4.	TMA-08-620025	TENTATIVE MAP ROSE QUARTZ & SAN SALVADOR APPLICANT: SPEAR DEVELOPMENT	FINAL
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A 5-lot single-family residential subdivision on 5.3 acres generally located at the northeast corner of Rose Quartz Road and San Salvador Avenue, in the Paradise Hills Planning Area.

- (Motion) Commissioner Mannion introduced a motion recommending final approval, subject to conditions.

PUBLIC WORKS DEPARTMENT CONDITIONS

1. The acceptance or approval of this item does not authorize or entitle the applicant to construct the project referred to in such application or to receive further development approvals, grading permits or building permits.
2. Applicant shall submit a drainage study for Public Works' approval.
3. Applicant shall construct full offsites per Public Works' requirements and dedicate any necessary right-of-way.
4. Nuisance water drains shall be required after 1,000 feet of surface street flow.

DEPARTMENT OF UTILITY SERVICES CONDITIONS

5. Applicant shall submit a utility plan and utility analysis for Department of Utility Services' approval.
6. Applicant shall comply with the requirements of the master utility plan established for the project area.
7. Applicant shall participate in the 2610 Rhodes/Lewis Water Refunding Agreement.
8. Applicant shall prepare water and sewer system design in accordance with the Department of Utility Services' requirements. Approval of this application does not infer Department of Utility Services' approval for the water and sewer system layout as reflected on the application.

FIRE DEPARTMENT CONDITIONS

The authority for enforcing the Uniform Fire Code is NRS 477.030 and Ordinance Number 1962 as adopted by the City of Henderson. Fire Department approval is based upon review of the civil improvement or building drawings, not planning documents.

9. Applicant shall submit plans for review and approval prior to installing any gate, speed humps (speed bumps not permitted), and any other fire apparatus access roadway obstructions.
10. Applicant shall submit fire apparatus access road (fire lane) plans for Fire Department review and approval.
11. Applicant shall submit utility plans containing fire hydrant locations. Fire Department approval is based upon the review of the civil improvement drawings, not planning documents. Fire hydrants shall be installed and operational prior to starting construction or moving combustibles on site.
12. Applicant shall provide a minimum turning radius of 52 feet outside and 28 feet inside for all portions of the fire apparatus access road (fire lane). This radius shall be shown graphically and the dimensions noted on the drawings.

COMMUNITY DEVELOPMENT DEPARTMENT CONDITIONS

13. Approval of this application requires the applicant to comply with all Code requirements not specifically listed as a condition of approval but required by Title 19 of the Henderson Municipal Code, compliance with all plans and exhibits presented and amended as part of the final approval, and compliance with all additional items required to fulfill conditions of approval.
14. Approval of this tentative map for a five-lot residential subdivision shall be for a period of two years from the effective date of approval.
15. The proposed street names are not approved through this application. Applicant shall submit a list of proposed street names to Community Development for approval prior to approval of the final map.
16. All grading and construction/staging activity must remain completely on-site, or will require the approval of any and all affected adjacent property owner(s).

The vote favoring final approval was: Those voting aye: Bochanis, Bateman, Belingheri, Burr, Mannion, and Shaw. Those voting nay: None. Those absent: March. Those abstaining: None. Chairman Shaw declared the motion carried.

5.	ZCO-03-670067-E1	EXTENSION OF TIME ZONE CHANGE WITH OVERLAY BUENA VIDA AVENUE APPLICANT: GREENE TINDALL	12/16/08
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Extension of time for a rezoning request from RS-6-PUD (Low-Density Residential with Planned Unit Development Overlay) and RM-16-PUD (Medium-Density Residential with Planned Unit Development Overlay) to RM-16-PUD (Medium-Density Residential with Planned Unit Development Overlay) on 10.7 acres generally located on Rich Perez Jr. Drive between Horizon Ridge Parkway and Sunridge Heights Parkway, in the Westgate Planning Area.

(Motion) Commissioner Mannion introduced a motion recommending approval, subject to findings of fact, conditions, and waivers.

FINDINGS OF FACT

- A. The proposal is consistent with the Comprehensive Plan.
- B. The planned unit development is necessary to address a unique situation or represents a substantial benefit to the City, compared to what could have been accomplished through strict application of otherwise applicable zoning district standards, based upon the purposes set out in Section 19.1.4.
- C. The planned unit development complies with standards of Section 19.5.4.

- D. The proposal mitigates any potential significant adverse impacts to the maximum practical extent.
- E. Sufficient public safety, transportation, and utility facilities and services are available to serve the subject property, while maintaining sufficient levels of service to existing development.
- F. The same development could not be accomplished through the use of other techniques, such as re-zonings, variances or administrative adjustments.

PUBLIC WORKS DEPARTMENT CONDITIONS

- 1. The acceptance or approval of this item does not authorize or entitle the applicant to construct the project referred to in such application or to receive further development approvals, grading permits or building permits.
- 2. Applicant shall submit a drainage study for Public Works' approval.
- 3. Applicant shall submit a traffic analysis to address traffic concerns and to determine the proportionate share of this development's local participation in the cost of traffic signals and/or intersection improvements and dedicate all necessary right-of-way.
- 4. Applicant shall construct full offsites per Public Works' requirements and dedicate all necessary right-of-way.
- 5. Applicant shall revert and/or merge acreage of existing parcels per Public Works' approval and provide proof of completed mapping prior to issuance of a certificate of occupancy.
- 6. FHA Type B drainage shall be allowed only where lots drain directly to public drainage facilities, public parks, or golf courses.
- 7. Applicant shall show the limits of the flood zone and submit a letter of map revision to FEMA prior to the Shear and Tie inspection.
- 8. Streets shall be privately owned and maintained.

DEPARTMENT OF UTILITY SERVICES CONDITIONS

- 9. Applicant shall submit a utility plan and utility analysis for Department of Utility Services' approval.
- 10. Applicant shall comply with the requirements of the master utility plan established for the project area.
- 11. Applicant shall be required to construct a full-frontage water main extension along Rich Perez Jr. Drive.
- 12. All onsite utilities shall remain privately owned and maintained.
- 13. All water and sewer services shall comply with HMC Title 14 regarding public-public or private-private service requirements.
- 14. Applicant shall provide a 2nd water fee from Graham Avenue.

FIRE DEPARTMENT CONDITIONS

The authority for enforcing the Uniform Fire Code is NRS 477.030 and Ordinance Number 1962 as adopted by the City of Henderson. Fire Department approval is based upon review of the civil improvement or building drawings, not planning documents.

15. Applicant shall submit plans for review and approval prior to installing any gate, speed humps (speed bumps not permitted), and any other fire apparatus access roadway obstructions.
16. Applicant shall submit fire apparatus access road (fire lane) plans for Fire Department review and approval.
17. Applicant shall submit utility plans containing fire hydrant locations. Fire Department approval is based upon the review of the civil improvement drawings, not planning documents. Fire hydrants shall be installed and operational prior to starting construction or moving combustibles on site.
18. Projects constructed in phases shall submit a phasing plan describing the fire apparatus access roads and fire hydrant locations relevant to each phase.
19. Applicant shall provide secondary access as approved by Public Works and the Fire Department.
20. Applicant shall provide approved primary and secondary roads from the proposed project to existing paved roadways. (Added A2)
21. Applicant shall provide directories at approved locations. The design shall be submitted for review and be approved prior to installation.
22. Applicant shall provide a minimum turning radius of 52 feet outside and 28 feet inside for all portions of the fire apparatus access road (fire lane). This radius shall be shown graphically and the dimensions noted on the drawings.
23. Applicant shall install an approved sprinkler system in all buildings/homes as mitigation for the lack of secondary/dual access.

COMMUNITY DEVELOPMENT DEPARTMENT CONDITIONS

24. Applicant shall submit to the Community Development Department a floppy disk containing an Auto CAD Release 14 drawing of the site plan with building footprints, driveways, parking, fire hydrants, Fire Department connections, and unit numbers prior to issuance of building permits.
25. All aboveground public and private-owned utility equipment shall be screened by a cabinet, landscaping or decorative wall.
26. Approval of this application requires the applicant to comply with all Code requirements not specifically listed as a condition of approval but required by Title 19 of the Henderson Municipal Code, compliance with all plans and exhibits presented and amended as part of the final approval, and compliance with all additional items required to fulfill conditions of approval.

27. Prior to issuance of a building permit, applicant shall obtain approval of a materials and debris containment plan from the Building Official. Upon issuance of the building permit, the developer shall use and maintain throughout construction of the project a materials and debris enclosure in accordance with the approved plan.
28. All walls, fences, and gates visible from streets, parking lots, and common areas shall be constructed of decorative materials and installed by the applicant. Unless specifically shown on the approved plans, the use of chain link fence or colored, common gray or painted CMU block shall not be permitted.
29. Applicant shall submit landscaping and irrigation construction documents for Community Development staff review and approval prior to the issuance of a building permit. Landscape and irrigation construction documents shall include all required common area, parking lot, and perimeter landscaping.
30. Unless approved by a phasing plan, all landscaping shall be installed with the first phase of development. All landscaping shall be maintained by the applicant or property owner(s) association.
31. Developer of the site shall establish a restrictive provision in the townhome by-laws that limits to two the number of units that may be owned by any one person or entity other than the master developer. The wording of the condition shall read as follows, and be approved by the City Attorney prior to map recordation, with a copy of the recorded CC&Rs submitted to the Community Development Department prior to issuance of any permits. "At no such time shall title and ownership of more than two units be vested in or held by the same natural person or persons, their agents, assigns, heirs or nominees, or by a majority of townhome owners after all units have been sold in accordance with the restrictive provision." The purpose of the provision is the City's effort to ensure the goal of the developer is achieved, which is to maintain the townhome project as a residential townhome development with maximum occupancy by resident owners rather than lessees. This condition shall not be construed to limit the developer's ability to own more than two units during the construction process and/or sale of townhomes.
32. This resolution of intent shall carry a two-year time limit from November 6, 2008.
33. Prior to issuance of a building permit for buildings, the applicant shall submit to Community Development and Neighborhood Services a copy of the Owner's Association's (i.e., Property Owner's Association or Landscape Maintenance Association) articles of incorporation to include association name, officers, addresses, and resident agent (if applicable).
34. All grading and construction/staging activity must remain completely on-site, or will require the approval of any and all affected adjacent property owner(s).
35. This approval is for 155 townhome units.

PARKS AND RECREATION DEPARTMENT CONDITION

36. Applicant shall provide neighborhood park amenities in usable outdoor open space. Concept plan must have Parks and Recreation Department approval prior to civil plan approval.

WAIVERS

- a. Allow only 37 percent density reduction where 50 percent is required. (AMENDED WITH A2)
- b. Allow access off of a non-arterial street (Rich Perez Jr. Drive).
- c. Allow a 20-foot setback from the north property line and a 10-foot setback from the south property line.
- d. Allow a minimum building setback of 22 feet along Rich Perez Jr. Drive where 30 is required. (A2)
- e. Allow a minimum building separation for walls with opposing windows of 20 feet 8 inches where 30 feet is required. (A2)

The vote favoring approval was: Those voting aye: Bochanis, Bateman, Belingheri, Burr, Mannion, and Shaw. Those voting nay: None. Those absent: March. Those abstaining: None. Chairman Shaw declared the motion carried.

VI. UNFINISHED BUSINESS:

Note: Items 6, 7, and 8 were heard simultaneously.

6.	CPA-08-520002	CONTINUED PUBLIC HEARING COMPREHENSIVE PLAN AMENDMENT BOULDER HIGHWAY CORRIDOR INVESTMENT STRATEGY APPLICANT: CITY OF HENDERSON	12/16/08
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Amend the Land Use Policy Plan to include the Boulder Highway Corridor Investment Strategy.

Eddie Dichter, Principal Planner, read a summary of the proposed item and stated staff recommends approval.

Gloria Elder, Senior Planner, representing the applicant, gave a brief overview of the proposed item and concurred with staff's recommendation.

Chairman Shaw opened the public hearing at 7:07 p.m., asking if there was anyone present wishing to speak for or against this item.

There being no one wishing to speak, the public hearing was closed immediately.

- (Motion) Commissioner Bateman introduced a motion recommending approval, subject to findings of fact.

FINDINGS OF FACT

- A. Events, trends or facts after adoption of the Comprehensive Plan have changed the City Council's original findings made upon plan adoption.
- B. Events, trends or facts after adoption of the Comprehensive Plan have changed the character or condition of an area so as to make the proposed amendment necessary.

The vote favoring approval was: Those voting aye: Bochanis, Bateman, Belingheri, Burr, Mannion, and Shaw. Those voting nay: None. Those absent: March. Those abstaining: None. Chairman Shaw declared the motion carried.

7.	CPA-05-520027-A1	CONTINUED PUBLIC HEARING COMPREHENSIVE PLAN AMENDMENT LAND USE CATEGORY TEXT AMENDMENT APPLICANT: CITY OF HENDERSON	12/16/08
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Amend the Land Use Policy Plan to amend the Transit Oriented Development (TOD) land use category to modify permitted zoning districts and the general description.

Eddie Dichter, Principal Planner, read a summary of the proposed item and stated staff recommends approval.

Gloria Elder, Community Development, representing the applicant, gave a brief overview of the proposed item and concurred with staff's recommendation.

Chairman Shaw opened the public hearing at 7:07 p.m., asking if there was anyone present wishing to speak for or against this item.

There being no one wishing to speak, the public hearing was closed immediately.

- (Motion) Commissioner Bateman introduced a motion recommending approval, subject to findings of fact.

FINDINGS OF FACT

- A. Events, trends or facts after adoption of the Comprehensive Plan have changed the City Council's original findings made upon plan adoption.
- B. Events, trends or facts after adoption of the Comprehensive Plan have changed the character or condition of an area so as to make the proposed amendment necessary.

The vote favoring approval was: Those voting aye: Bochanis, Bateman, Belingheri, Burr, Mannion, and Shaw. Those voting nay: None. Those absent: March. Those abstaining: None. Chairman Shaw declared the motion carried.

8.	ZOA-08-680001	CONTINUED PUBLIC HEARING ZONING ORDINANCE AMENDMENT CORRIDOR MIXED USE (MC) ZONING DISTRICT APPLICANT: CITY OF HENDERSON	12/16/08
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An ordinance of the City Council of the City of Henderson, Nevada, to add Chapter 19.15 and amend Chapters 19.11 (Signs) and 19.14 (Definitions) of the Henderson Municipal Code to create a Corridor Mixed Use (MC) zoning district with sign standards, and other matters related thereto.

Eddie Dichter, Principal Planner, read a summary of the proposed item and stated staff recommends approval.

Gloria Elder, Community Development, representing the applicant, gave a brief overview of the proposed item and concurred with staff's recommendation.

Chairman Shaw opened the public hearing at 7:07 p.m., asking if there was anyone present wishing to speak for or against this item.

There being no one wishing to speak, the public hearing was closed immediately.

(Motion) Commissioner Bateman introduced a motion recommending approval.

The vote favoring approval was: Those voting aye: Bochanis, Bateman, Belingheri, Burr, Mannion, and Shaw. Those voting nay: None. Those absent: March. Those abstaining: None. Chairman Shaw declared the motion carried.

9.	A) CPA-08-520017 B) ZCA-08-660022	CONTINUED PUBLIC HEARING COMPREHENSIVE PLAN AMENDMENT ZONE CHANGE SENIOR HOUSING / COLLEGE PARK APPLICANT: CAM 3 LLC	
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- A) Amend the Land Use Policy Plan from MDR (Medium-Density Residential) to HDR (High-Density Residential); and
- B) Rezone from RX-8 (Mobile Home Park) and RS-6 (Low-Density Residential) with resolution zoning of RM-16-PUD to RH-36-PUD (High-Density Residential with Planned Unit Development Overlay) and review of a multifamily senior housing development; on 5.2 acres generally located on College Drive between Pearl Island Drive and Boulder Highway, in the Black Mountain Planning Area.

This item was continued to the January 15, 2008, Planning Commission meeting.

10.	<p>A) ZCO-02-670056-A4 B) ZCA-08-660018</p> <p>CONTINUED PUBLIC HEARING ZONE CHANGE AMENDMENT ZONE CHANGE CORNERSTONE MASTER PLAN / PARK HEIGHTS</p> <p>APPLICANT: GSG DEVELOPMENT</p>	<p>12/16/08 12/16/08</p>
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- A) Amend a Zone Change with Overlay for the Cornerstone Master Plan to add a Mixed-Use Commercial District and permitted uses to the development standards; and
- B) Zone Change from CM-RD-MP-PUD (Mixed-Use Commercial with Redevelopment, Master Plan, and Planned Unit Development Overlays) to CM-RD-MP-PUD (Mixed-Use Commercial with Redevelopment, Master Plan, and Planned Unit Development Overlays) to establish design guidelines and request waivers on 40 acres for a mixed-use development, located at the northwest corner of Stephanie Street and Wigwam Parkway, in the Cornerstone Redevelopment Area and Gibson Springs Planning Area.

Chairman Shaw abstained from voting on this item due to being involved with property across the street from the proposed item.

Eddie Dichter, Principal Planner, read a summary of the proposed item and stated staff recommends approval.

Ed Garcia, 3773 Howard Hughes Parkway; and Kenneth Smith, GSG Development; gave a presentation on the proposed item and concurred with staff's recommendation.

Vice-Chairman Burr opened the public hearing at 7:18 p.m., asking if there was anyone present wishing to speak for or against this item.

There being no one wishing to speak, the public hearing was closed immediately.

Responding to Commissioner Bochanis' question regarding the park that is planned for the adjacent parcel, Dennis Stransky, Park Planning Manager, stated they have been working with the applicant for over a year to put together a conceptual plan. The conceptual plan was displayed for the Commission's viewing and was entered into the record as an exhibit.

Responding to a question by Vice-Chairman Burr regarding the amenities, Mr. Stransky stated the amenities include: a lake/water feature, large gathering areas, playgrounds, dog park, tot lot, stage, outdoor classroom area, and an amphitheater.

Mr. Stansky also informed the Commission that the funding for the park is already in place through the Southern Nevada Public Land Management Act.

A discussion regarding the traffic analysis took place. John Penueles, City Traffic Engineer, explained capture rates and how those are determined.

Further discussion ensued regarding continuous updating of the traffic analysis as the project phases are completed.

Responding to Commissioner Bochanis' inquiry regarding the project's impact to Stephanie Street, Mr. Penueles said that Stephanie Street is designed to be a major arterial, but the project will not cause Stephanie Street to exceed its capacity. At Vice-Chairman Burr's request, Mr. Smith reviewed the layout of the project and the placement of the different uses.

Commissioners Bateman and Bochanis said they are uncomfortable with the height of 330 feet.

Vice-Chairman Burr thanked the applicant for working so hard on their project.

Commissioner Bochanis said he likes the project and feels it is well placed, but still has concerns about traffic.

ZCO-02-670056-A4

(Motion) Commissioner Bochanis introduced a motion recommending approval, subject to findings of fact, conditions, and waivers.

FINDINGS OF FACT

- A. The proposed master plan corrects an error or meets the challenge of some changing condition, trend or fact.
- B. The proposed master plan is consistent with the Comprehensive Plan and the stated purposes of Section 19.1.4.
- C. The proposed master plan will protect the health, safety, morals or general welfare of the public.
- D. The City and other service providers will be able to provide sufficient public safety, transportation, and utility facilities and services to the subject property, while maintaining sufficient levels of service to existing development.
- E. The proposed master plan will not have significant adverse impacts on the natural environment, including air, water, noise, stormwater management, wildlife, and vegetation.
- F. The proposed master plan will not have a significant adverse impact on other property in the vicinity.
- G. The subject property is suitable for the proposed master plan.
- H. The need exists for the proposed master plan at the proposed location.

PUBLIC WORKS DEPARTMENT CONDITIONS

1. The acceptance or approval of this item does not authorize or entitle the applicant to construct the project referred to in such application or to receive further development approvals, grading permits or building permits.
2. Applicant shall submit a drainage study for Public Works' approval.
3. Driveways shall be constructed per Clark County Area Standard Drawing Nos. 226.1 and 226.2.
4. Applicant shall obtain all necessary UPRR approvals.
5. Applicant shall submit a traffic analysis to address traffic concerns and to determine the proportionate share of this development's local participation in the cost of traffic signals and/or intersection improvements and dedicate all necessary right-of-way.
6. Applicant shall construct full offsites per Public Works' requirements and dedicate all necessary right-of-way.
7. Applicant shall show the limits of the flood zone and submit a letter of map revision to FEMA prior to the certificates of occupancy being issued for the buildings directly affected by the flood zone or as permitted by the Director.
8. Applicant shall grant control of access per Public Works' requirements.
9. Applicant shall work with Public Works to reapportion the existing T-13 Local Improvement District Assessment and be responsible for the reapportionment fee. The original LID apportionment is based on commercial zoning. If an equitable reapportionment cannot be reached for residential zoning, as determined by Public Works and bond council, the applicant shall be required to pay off the full assessment.

DEPARTMENT OF UTILITY SERVICES CONDITIONS

10. Applicant shall submit a utility plan and a utility analysis for Utilities' approval.
11. Applicant shall comply with the requirements of the master utility plan established for the project location.
12. Applicant shall prepare a master utility plan for the project that includes water and sewer service to the overall Cornerstone development. Said master plan shall receive acceptance from the Department of Utility Services prior to the submission of civil improvement plans for this project.
13. Applicant may be required to upgrade the City's existing water and/or sewer system in order to accommodate service to the project. Said upgrades shall be made in accordance with the master utility analysis prepared by the applicant. The upgrades required may include lines in American Pacific, but shall not include downstream issues existing in Gibson Road.
14. Applicant may not be allowed to obtain a certificate of occupancy on this project until the backbone water and sewer infrastructure providing service to this project has been constructed and accepted by the City.

FIRE DEPARTMENT CONDITIONS

The authority for enforcing the Uniform Fire Code is NRS 477.030 and Ordinance Number 1962 as adopted by the City of Henderson. Fire Department approval is based upon review of the civil improvement or building drawings, not planning documents.

15. Applicant shall submit plans for review and approval prior to installing any gate, speed humps (speed bumps not permitted), and any other fire apparatus access roadway obstructions.
16. Applicant shall submit fire apparatus access road (fire lane) plans for Fire Department review and approval.
17. Applicant shall submit utility plans containing fire hydrant locations. Fire Department approval is based upon the review of the civil improvement drawings, not planning documents. Fire hydrants shall be installed and operational prior to starting construction or moving combustibles on site.
18. Projects constructed in phases shall submit a phasing plan describing the fire apparatus access roads and fire hydrant locations relevant to each phase.
19. Applicant shall provide secondary access as approved by Public Works and the Fire Department.
20. Applicant shall provide approved primary and secondary roads from the proposed project to existing paved roadways.
21. Applicant shall provide a dual water source as approved by Public Works and the Fire Department.
22. Applicant shall provide directories at approved locations. The design shall be submitted for review and be approved prior to installation.
23. Applicant shall provide a minimum turning radius of 52 feet outside and 28 feet inside for all portions of the fire apparatus access road (fire lane). This radius shall be shown graphically and the dimensions noted on the drawings.
24. Applicant shall submit and receive approval for a life safety report prior to submitting building plans or as determined by the Fire Department. If the applicant chooses to not submit a life safety report for approval prior to submitting for building plan review, the City cannot guarantee any building or fire plan review times.

COMMUNITY DEVELOPMENT DEPARTMENT CONDITIONS

25. The applicant shall submit to the Community Development Department an electronic copy of the site plan with building footprints, driveways, parking, fire hydrants, Fire Department connections, and unit numbers in the latest AutoCAD release prior to issuance of building permits.
26. All aboveground public and private-owned utility equipment shall be screened by a cabinet, landscaping or decorative wall.

27. Approval of this application requires the applicant to comply with all Code requirements not specifically listed as a condition of approval but required by Title 19 of the Henderson Municipal Code, compliance with all plans and exhibits presented and amended as part of the final approval, and compliance with all additional items required to fulfill conditions of approval.
28. Prior to issuance of a building permit, applicant shall obtain approval of a materials and debris containment plan from the Building Official. Upon issuance of the building permit, the developer shall use and maintain throughout construction of the project a materials and debris enclosure in accordance with the approved plan.
29. All walls visible from streets, parking lots, and common areas shall be constructed of decorative materials and installed by the applicant. The use of colored, common gray or painted CMU block shall not be permitted.
30. Applicant shall submit landscaping and irrigation construction documents for Community Development staff review and approval prior to the issuance of a building permit. Landscape and irrigation construction documents shall include all required common area, parking lot, and perimeter landscaping.
31. Unless approved by a phasing plan, all landscaping shall be installed with the first phase of development. All landscaping shall be maintained by the applicant or property owner(s) association.
32. Applicant shall submit an application for design review for the multifamily developments.
33. Applicant shall maintain a minimum 50-foot-wide "good neighbor" screen and buffer along the west property line of Tract 1.
34. All private open space, landscaped areas within public rights-of-way, landscaping along public rights-of-way, and landscaping within drainage channels (arroyos) shall be installed by the developer and maintained by a property owners association, unless otherwise approved by City Council. Water conservation shall be a primary design element in the planning, design, and construction of landscaped projects.
35. Developer shall submit a revised master development plan report, after City Council approval, listing all conditions of approval and waivers.
36. Permitted uses, prohibited uses, restricted uses, limited uses, and property development standards shall be as approved by this application. In the case of a conflict between the approved uses and property development standards and City ordinances, unless specifically approved as a waiver, the most restrictive shall prevail.
37. Applicant shall provide revised Cornerstone Master Plan documentation to include additional uses and criteria.

PARKS AND RECREATION DEPARTMENT CONDITIONS

38. Applicant shall provide a 30-foot trail corridor with a 12-foot asphalt trail along the UPRR. Landscape lighting and irrigation shall be in accordance with the City of Henderson Park Landscape and Irrigation Standards. All landscape is to be constructed in the first phase of development construction.
39. Applicant shall provide a trail corridor with a 10-foot concrete trail along Wigwam Parkway and Stephanie Street. Landscape shall be owner-maintained, installed per the Development Code, and lighting shall be per AASHTO Standards.
40. Applicant shall provide additional public pedestrian access to the trail at the UPRR and Cornerstone Park.
41. Applicant shall provide streets around the park property in accordance with City Ordinance No. 1171. Exceptions may be approved by the Parks and Recreation Department representative, which include: adjoining a school, joint-use parking, an easement, or a flood control facility.

WAIVER

- a. Proceed with a Sector of Level D and no density reduction. (ADDED A1)
- b. The Following Uses will be allowed within the Commercial Mixed-Use District for Tract 4 and are subject to additional criteria as listed. (A4)

Category	Specific Use Category	Approval	Criteria
Animal Services	Animal Boarding	P	1. No outside pens 2. Must provide soundproofing between adjoining uses.
	Animal Grooming	P	
	Veterinary Office	P	
Breweries (No VTD analysis or tavern-to-tavern separation is required for the one location. Any additional locations will be subject to all Title 19 requirements for that use, including VTD and tavern-to-tavern separation.)	Brew Pub	P	1. Limit (1) one 2. A disclosure form must accompany the sale of any residential unit located above this use.
Commercial Recreation and Entertainment	General	P	
Day Care	General	P	
	Restaurant with Service Bar	P	1. Limit (2) two

Category	Specific Use Category	Approval	Criteria
	Restaurant with Bar	P	1. Limit (6) six 2. All restaurants with bar locations will be subject to Title 19 requirements for this use to include seating, hours of operation and bar separation requirements.
	Tavern	P	1. Limit (2) two 2. A disclosure form must accompany the sale of any residential unit located above this use.
Emergency Health Care		P	
Farmer's Market		P	
Food and Beverage Sales	Liquor Store	P	1. Limit (1) one <i>(No VTD analysis is required for the one location. Any additional locations will be subject to Title 19 requirements including a VTD and Conditional Use Permit.)</i>
Visitor Accommodations	Hotel	P	1. Limit (1) one 2. There shall be no mixing of residential and hotel uses on the same floor of any building.
Park and Recreation Centers		P	
Personal Improvement Services		P	
Retail Sales/Rental	Secondhand Goods	P	
	Smoke/Tobacco Shop	C	1. Limit (1) one 2. Must be located along Pedestrian Promenade only. 3. Must comply with Title 19.7 definition for a Smoke/Tobacco

Category	Specific Use Category	Approval	Criteria
			<p>Shop. Conditional Use Permit may establish additional criteria and restrictions for this use.</p> <p><i>(The one use will not be subject to the separation requirements of Title 19. Any additional locations will be subject to all separation requirements.)</i></p>
Warehousing and/or Storage Yards	Mini-Storage	P	<ol style="list-style-type: none"> 1. Limited to storage units owned and operated by the HOA and may only be rented to its own residential, retail or commercial owners. 2. Must be integrated into the development. 3. No external access to individual units. 4. Must not appear as a mini-storage facility
Temporary Outdoor Shows (Arts and Crafts)		P	<ol style="list-style-type: none"> 1. Events shall not last longer than 30 days
Temporary Display/Sale (Retail Sales/Rental)		P	<ol style="list-style-type: none"> 1. Events shall not last longer than 30 days
Temporary Swap Meet, Nonrecurring		P	<ol style="list-style-type: none"> 1. Events shall not last longer than 30 days
Temporary Street Fair		P	<ol style="list-style-type: none"> 1. Events shall not last longer than 30 days
Temporary Live Entertainment		P	<p>Hours of events will be limited to the following:</p> <ol style="list-style-type: none"> 1. Monday – Thursday until 10 pm 2. Friday – Saturday until midnight 3. Sunday until 9 pm 4. Events shall not last longer than 5 days
Temporary Outdoor Event		P	<p>Hours of events will be limited to the following:</p> <ol style="list-style-type: none"> 1. Monday – Thursday until 10 pm

Category	Specific Use Category	Approval	Criteria
			2. Friday – Saturday until midnight 3. Sunday until 9 pm 4. Events shall not last longer than 5 days
Temporary Sales Office(On-Site)		P	Must submit for design review approval if located within stand-alone building.
Temporary Security Trailer		P	

P – Permitted

C - Conditional Use

The vote favoring approval was: Those voting aye: Bochanis, Bateman, Belingheri, Burr, and Mannion. Those voting nay: None. Those absent: March. Those abstaining: Shaw. Vice-Chairman Burr declared the motion carried.

ZCA-08-660018

(Motion) Commissioner Bochanis introduced a motion recommending approval, subject to findings of fact and conditions, and waivers, with the added conditions that Condition 39 be modified so that all phasing returns back to the Planning Commission for approval; building heights be reduced not to exceed 250 feet; and add Condition 45 to read as follows: "This resolution of intent shall carry a four-year time limit from the date of City Council approval, unless extended per Title 19 and/or conditions of approval have been completed."

FINDINGS OF FACT

- A. The proposal is consistent with the Comprehensive Plan.
- B. The planned unit development is necessary to address a unique situation or represents a substantial benefit to the City, compared to what could have been accomplished through strict application of otherwise applicable zoning district standards, based upon the purposes set out in Section 19.1.4.
- C. The planned unit development complies with standards of Section 19.6.4.
- D. The proposal mitigates any potential significant adverse impacts to the maximum practical extent.
- E. Sufficient public safety, transportation, and utility facilities and services are available to serve the subject property, while maintaining sufficient levels of service to existing development.
- F. The same development could not be accomplished through the use of other techniques, such as re-zonings, variances or administrative adjustments.

PUBLIC WORKS DEPARTMENT CONDITIONS

- 1. The acceptance or approval of this item does not authorize or entitle the applicant to construct the project referred to in such application or to receive further development approvals, grading permits or building permits.
- 2. Applicant shall submit a drainage study for Public Works' approval.
- 3. Driveways shall be constructed per Clark County Area Standard Drawing Nos. 226.1 and 226.2 and dedicate any necessary right-of-way.
- 4. Applicant shall obtain all necessary UPRR approvals.
- 5. Applicant shall submit a traffic analysis to address traffic concerns and to determine the proportionate share of this development's local participation in the cost of traffic signals and/or intersection improvements and dedicate any necessary right-of-way.
- 6. Applicant shall construct full offsites per Public Works' requirements and dedicate any necessary right-of-way.
- 7. Applicant shall comply with Standard Drawing No. 201.1, which refers to major intersections and dedicate any necessary right-of-way.
- 8. Applicant must apply to Council for approval to cut a 5-year no-cut street. If applicant receives approval, all offsite improvements must be completed within nine months of civil improvements plan approvals.

DEPARTMENT OF UTILITY SERVICES CONDITIONS

- 9. Applicant shall submit a utility plan and utility analysis for Department of Utility Services' approval.
- 10. Applicant shall comply with the requirements of the master utility plan established for the project area.

11. Applicant shall establish separate water and sewer service for residential and commercial applications in accordance with the Department of Utility Services' requirements.
12. Applicant shall ensure all efforts will be made to minimize the amount of public infrastructure on site.
13. All water and sewer services shall comply with HMC Title 14 regarding public-public or private-private service requirements.
14. Applicant shall verify that buildings heights do not interfere with the line-of-sight transmission of the City's HEN-Net System.
15. Applicant may be required to provide a water and/or sewer system capacity analysis covering the overall water and/or sewer system providing service to the project, prior to submitting civil improvement plans to the City. Preparation of said capacity analysis shall be coordinated with the Department of Utility Services.
16. Applicant may be responsible for performing water and/or sewer system upgrades in accordance with the results of the system capacity analysis or, at a minimum, applicant shall be responsible for participating in a proportionate share of the costs to complete these system upgrades.
17. Applicant shall grant a 24-hour a day, 7-day a week access and maintenance corridor to the City, which provides a vehicular access driveway to the City's existing reuse pumping station (i.e. "GVIPS"). Said corridor shall be established in accordance with the Department of Utility Services' requirements. An "Access and Maintenance Agreement" between the property owner's association and City of Henderson will also be required that addresses such access and maintenance stipulations.
18. Applicant shall maintain uninterrupted water service to the City's existing reuse pumping station (i.e. "GVIPS"). Applicant may be required to relocate the existing public water line traversing the property if the proposed site layout does not meet access, separation and/or separation requirements, in accordance with the Department of Utility Services' requirement. Prior to such relocation, all required easements shall be dedicated to the City.
19. Applicant may be required to update the City's existing water and/or sewer system in order to accommodate service to the project. Said upgrades shall be made in accordance with the utility analysis prepared for the project.

FIRE DEPARTMENT CONDITIONS

The authority for enforcing the Uniform Fire Code is NRS 477.030 and Ordinance Number 1962 as adopted by the City of Henderson. Fire Department approval is based upon review of the civil improvement or building drawings, not planning documents.

20. Applicant shall submit plans for review and approval prior to installing any gate, speed humps (speed bumps not permitted), and any other fire apparatus access roadway obstructions.

21. Applicant shall submit fire apparatus access road (fire lane) plans for Fire Department review and approval.
22. Applicant shall submit utility plans containing fire hydrant locations. Fire Department approval is based upon the review of the civil improvement drawings, not planning documents. Fire hydrants shall be installed and operational prior to starting construction or moving combustibles on site, according to approved phasing plan.
23. Projects constructed in phases shall submit a phasing plan describing the fire apparatus access roads and fire hydrant locations relevant to each phase.
24. Applicant shall provide secondary access as approved by Public Works and the Fire Department.
25. Applicant shall provide a dual water source as approved by Public Works and the Fire Department.
26. Applicant shall provide directories at approved locations. The design shall be submitted for review and be approved prior to installation.
27. Applicant shall provide a minimum turning radius of 52 feet outside and 28 feet inside for all portions of the fire apparatus access road (fire lane). This radius shall be shown graphically and the dimensions noted on the drawings.
28. Applicant shall obtain and approved Life Safety Report prior to submitting for building permits. It shall include mitigation for lack of adequate fire access.

COMMUNITY DEVELOPMENT DEPARTMENT CONDITIONS

29. The applicant shall submit to the Community Development Department an electronic copy of the site plan with building footprints, driveways, parking, fire hydrants, Fire Department connections, and unit numbers in the latest AutoCAD release prior to issuance of building permits.
30. All aboveground public and private-owned utility equipment shall be screened by a cabinet, landscaping or decorative wall.
31. Approval of this application requires the applicant to comply with all Code requirements not specifically listed as a condition of approval but required by Title 19 of the Henderson Municipal Code, compliance with all plans and exhibits presented and amended as part of the final approval, and compliance with all additional items required to fulfill conditions of approval.
32. Prior to issuance of a building permit, applicant shall obtain approval of a materials and debris containment plan from the Building Official. Upon issuance of the building permit, the developer shall use and maintain throughout construction of the project a materials and debris enclosure in accordance with the approved plan.
33. All walls, fences, and gates visible from streets, parking lots, and common areas shall be constructed of decorative materials and installed by the applicant. Unless specifically shown on the approved plans, the use of chain link fence or colored, common gray or painted CMU block shall not be permitted.

34. Applicant shall submit landscaping and irrigation construction documents for Community Development staff review and approval prior to the issuance of a building permit. Landscape and irrigation construction documents shall include all required common area, parking lot, and perimeter landscaping.
35. Applicant shall submit a phased landscaping plan for review and approval. Unless approved by a phasing plan, all landscaping shall be installed with the first phase of development. All landscaping shall be maintained by the applicant or property owner(s) association.
36. Prior to issuance of a building permit for buildings, the applicant shall submit to Community Development and Neighborhood Services a copy of the Owner's Association's (i.e., Property Owner's Association or Landscape Maintenance Association) articles of incorporation to include association name, officers, addresses, and resident agent (if applicable).
37. Future Design Reviews for individual phases and/or buildings must include a parking plan for each phase/building of the development including details on defining parking spaces as reserved, public, or permanently available for all users. This applies to both covered and uncovered parking spaces (required spaces may be covered so as they are not reserved).
38. All grading and construction/staging activity must remain completely on-site, or will require the approval of any and all affected adjacent property owner(s).
39. Applicant shall submit for Design Review approval for all individual phases and buildings for the development *to be reviewed by the Planning Commission. An updated phasing plan and an updated traffic analysis shall be submitted with each Design Review.*
40. Applicant must enter into a Memorandum of Understanding with the Redevelopment Agency to reimburse the Agency for the receipt of tax increment by parcel analysis associated with the Series B LID credits prior to issuance of a building permit.
41. Applicant is required to bond for all perimeter landscaping and common open space landscaping and amenities. The amount of bond will be based on the City of Henderson bond and fee form.
42. Approval of this application requires the applicant to comply with all Park Heights Design Standard Guidelines. Requirements not specifically listed within the guidelines must comply with the Cornerstone Master Plan and with all plans and exhibits as presented and amended as part of the final approval, and compliance with all additional items required to fulfill conditions of approval.
43. Applicant must provide a proportionate share of open space with amenities within each phase of the development.
44. Any substantial modifications to the approved plans shall require Planning Commission and City Council review and approval.
45. *This resolution of intent shall carry a four-year time limit from date of City Council approval, unless extended per Title 19 and/or conditions of approval have been completed.*

PARKS AND RECREATION DEPARTMENT CONDITIONS

- 46 Applicant shall provide a trail corridor the length of the property with a 12-foot asphalt trail along the UPRR. The trail corridor width, landscape, lighting and irrigation to be per City of Henderson Park Standards. All trail corridor landscape is to be constructed in the first phase of development construction. Applicant shall pay all UPRR trail fees and bond for improvements as part of the Civil Improvement Plan Process.

WAIVERS

- a. The height of the following buildings will exceed 60 feet:

Residential	Number of Stories	Max Height
Tower I	30 stories (above retail)	330 feet 250 feet
Tower II	30 stories (above retail)	330 feet 250 feet
Promenade Condo	3-4 stories (above retail)	90 feet
Luxury Midrise	13 stories	175 feet
Commercial	Max Number of Stories	
Office	13 stories	
Hotel	12 stories	

- b. Parking will be reduced to 5,500 spaces.

The vote favoring approval was: Those voting aye: Bochanis, Bateman, Belingheri, Burr, and Mannion. Those voting nay: None. Those absent: March. Those abstaining: Shaw. Vice-Chairman Burr declared the motion carried.

VII. NEW BUSINESS:

11.	CUP-08-540132	PUBLIC HEARING CONDITIONAL USE PERMIT HOLISTIC HYPNOSIS AND WELLNESS CENTER APPLICANT: HOLISTIC HYPNOSIS AND WELLNESS CENTER	FINAL
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Personal Improvement Services (hypnotherapy) at 2520 St. Rose Parkway, Suite 202, in the Westgate Planning Area.

Eddie Dichter, Principal Planner, read a summary of the proposed item and stated staff recommends approval.

Judy Atkinson, 4 Red Font Court, representing the applicant, concurred with staff's recommendation.

Chairman Shaw opened the public hearing at 8:11 p.m., asking if there was anyone present wishing to speak for or against this item.

There being no one wishing to speak, the public hearing was closed immediately.

- (Motion) Commissioner Belingheri introduced a motion recommending final approval, subject to findings of fact and conditions.

FINDINGS OF FACT

- A. The proposed use complies with all applicable provisions of the Development Code.
- B. The proposed use is compatible with adjacent uses in terms of scale, site design, operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts).
- C. Any significant adverse impacts resulting from this use will be mitigated or offset to the maximum practical extent.
- D. The proposed use will not cause substantial diminution on the value of other property in the neighborhood in which it is located.
- E. Public safety, transportation, and utility facilities and services will be available to serve the subject property, while maintaining sufficient levels of service to existing development.
- F. Adequate assurances of continuing maintenance have been provided.
- G. Any significant adverse impacts on the natural environment will be mitigated to the maximum extent.

PUBLIC WORKS DEPARTMENT CONDITION

- 1. The acceptance or approval of this item does not authorize or entitle the applicant to construct the project referred to in such application or to receive further development approvals, grading permits or building permits.

COMMUNITY DEVELOPMENT DEPARTMENT CONDITIONS

- 2. Approval of this application requires the applicant to comply with all Code requirements not specifically listed as a condition of approval but required by Title 19 of the Henderson Municipal Code, compliance with all plans and exhibits presented and amended as part of the final approval, and compliance with all additional items required to fulfill conditions of approval.
- 3. This conditional use permit shall lapse one year from the effective date of approval unless the use is established, commenced or extended in accordance with Section 19.2.8.L. of the Development Code.

The vote favoring final approval was: Those voting aye: Bochanis, Bateman, Belingheri, Burr, Mannion, and Shaw. Those voting nay: None. Those absent: March. Those abstaining: None. Chairman Shaw declared the motion carried.

12.	<p>A) CUP-08-540109 B) DRA-08-550065</p> <p>PUBLIC HEARING CONDITIONAL USE PERMIT DESIGN REVIEW THE JOURNEY CHURCH</p> <p>APPLICANT: THE JOURNEY CHURCH</p>	<p>FINAL FINAL</p>
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- A) Religious Assembly (church); and
- B) Review of a Religious Assembly (church); generally located at the southwest corner of Mission Drive and Greenway Road, in the Paradise Hills Planning Area.

Eddie Dichter, Principal Planner, read a summary of the proposed item and stated staff recommends approval.

David Charleton, 108 Richland Hills, representing the applicant, concurred with staff's recommendation.

Chairman Shaw opened the public hearing at 8:13 p.m., asking if there was anyone present wishing to speak for or against this item.

There being no one wishing to speak, the public hearing was closed immediately.

CUP-08-540109

- (Motion) Commissioner Mannion introduced a motion recommending final approval, subject to findings of fact and conditions.

FINDINGS OF FACT

- A. The proposed use complies with all applicable provisions of the Development Code.
- B. The proposed use is compatible with adjacent uses in terms of scale, site design, operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts).
- C. Any significant adverse impacts resulting from this use will be mitigated or offset to the maximum practical extent.
- D. The proposed use will not cause substantial diminution on the value of other property in the neighborhood in which it is located.
- E. Public safety, transportation, and utility facilities and services will be available to serve the subject property, while maintaining sufficient levels of service to existing development.
- F. Adequate assurances of continuing maintenance have been provided.
- G. Any significant adverse impacts on the natural environment will be mitigated to the maximum extent.

PUBLIC WORKS DEPARTMENT CONDITIONS

1. The acceptance or approval of this item does not authorize or entitle the applicant to construct the project referred to in such application or to receive further development approvals, grading permits or building permits.
2. Applicant shall construct full offsites per Public Works' requirements and dedicate any necessary right-of-way.

FIRE DEPARTMENT CONDITIONS

The authority for enforcing the Uniform Fire Code is NRS 477.030 and Ordinance Number 1962 as adopted by the City of Henderson. Fire Department approval is based upon review of the civil improvement or building drawings, not planning documents.

3. Applicant shall submit plans for review and approval prior to installing any gate, speed humps (speed bumps not permitted), and any other fire apparatus access roadway obstructions.
4. Applicant shall submit fire apparatus access road (fire lane) plans for Fire Department review and approval.
5. Applicant shall submit utility plans containing fire hydrant locations. Fire Department approval is based upon the review of the civil improvement drawings, not planning documents. Fire hydrants shall be installed and operational prior to starting construction or moving combustibles on site.
6. Projects constructed in phases shall submit a phasing plan describing the fire apparatus access roads and fire hydrant locations relevant to each phase.
7. Applicant shall provide secondary access as approved by Public Works and the Fire Department.
8. Applicant shall provide a minimum turning radius of 52 feet outside and 28 feet inside for all portions of the fire apparatus access road (fire lane). This radius shall be shown graphically and the dimensions noted on the drawings.

COMMUNITY DEVELOPMENT DEPARTMENT CONDITIONS

9. Approval of this application requires the applicant to comply with all Code requirements not specifically listed as a condition of approval but required by Title 19 of the Henderson Municipal Code, compliance with all plans and exhibits presented and amended as part of the final approval, and compliance with all additional items required to fulfill conditions of approval.
10. This conditional use permit shall lapse one year from the effective date of approval unless the use is established, commenced or extended in accordance with Section 19.2.8.L. of the Development Code.

11. Applicant shall obtain Community Development staff approval of a design review for Phase 2 that includes an additional building and parking lot as shown on the site plan.

PARKS AND RECREATION DEPARTMENT CONDITION

12. Work with the Parks and Recreation Department on equestrian component along Greenway Road.

The vote favoring final approval was: Those voting aye: Bochanis, Bateman, Belingheri, Burr, Mannion, and Shaw. Those voting nay: None. Those absent: March. Those abstaining: None. Chairman Shaw declared the motion carried.

DRA-08-550065

(Motion) Commissioner Mannion introduced a motion recommending final approval, subject to conditions.

PUBLIC WORKS DEPARTMENT CONDITIONS

1. The acceptance or approval of this item does not authorize or entitle the applicant to construct the project referred to in such application or to receive further development approvals, grading permits or building permits.
2. Applicant shall submit a drainage study for Public Works' approval.
3. Driveways shall be constructed per Clark County Area Standard Drawing Nos. 226.1 and 226.2 and dedicate any necessary right-of-way.
4. Applicant shall obtain all necessary NDOT approvals.
5. Applicant shall construct full offsites per Public Works' requirements and dedicate any necessary right-of-way.
6. Applicant shall dedicate right-of-way per Public Works' requirements within 90 days of approval.
7. Streets shall be privately owned and maintained.
8. Applicant shall provide paved off-street parking.
9. Applicant shall show the limits of the flood zone and submit a letter of map revision to FEMA prior to the Shear and Tie inspection.

DEPARTMENT OF UTILITY SERVICES CONDITIONS

10. Applicant shall submit a utility plan and utility analysis for Department of Utility Services' approval.
11. Applicant shall comply with the requirements of the master utility plan established for the project area.

FIRE DEPARTMENT CONDITIONS

The authority for enforcing the Uniform Fire Code is NRS 477.030 and Ordinance Number 1962 as adopted by the City of Henderson. Fire Department approval is based upon review of the civil improvement or building drawings, not planning documents.

12. Applicant shall submit plans for review and approval prior to installing any gate, speed humps (speed bumps not permitted), and any other fire apparatus access roadway obstructions.
13. Applicant shall submit fire apparatus access road (fire lane) plans for Fire Department review and approval.
14. Applicant shall submit utility plans containing fire hydrant locations. Fire Department approval is based upon the review of the civil improvement drawings, not planning documents. Fire hydrants shall be installed and operational prior to starting construction or moving combustibles on site.
15. Projects constructed in phases shall submit a phasing plan describing the fire apparatus access roads and fire hydrant locations relevant to each phase.
16. Applicant shall provide secondary access as approved by Public Works and the Fire Department.
17. Applicant shall provide approved primary and secondary roads from the proposed project to existing paved roadways.
18. Applicant shall provide a dual water source as approved by Public Works and the Fire Department.
19. Applicant shall provide directories at approved locations. The design shall be submitted for review and be approved prior to installation.
20. Applicant shall provide a minimum turning radius of 45 feet outside and 21 feet inside for all portions of the fire apparatus access road (fire lane). This radius shall be shown graphically and the dimensions noted on the drawings.
21. Applicant shall provide a minimum turning radius of 52 feet outside and 28 feet inside for all portions of the fire apparatus access road (fire lane). This radius shall be shown graphically and the dimensions noted on the drawings.
22. Applicant shall install an approved sprinkler system in all buildings/homes as mitigation for the lack of secondary/dual access.

COMMUNITY DEVELOPMENT DEPARTMENT CONDITIONS

23. The applicant shall submit to the Community Development Department an electronic copy of the site plan with building footprints, driveways, parking, fire hydrants, Fire Department connections, and unit numbers in the latest AutoCAD release prior to issuance of building permits.
24. All aboveground public and private-owned utility equipment shall be screened by a cabinet, landscaping or decorative wall.

25. Approval of this application requires the applicant to comply with all Code requirements not specifically listed as a condition of approval but required by Title 19 of the Henderson Municipal Code, compliance with all plans and exhibits presented and amended as part of the final approval, and compliance with all additional items required to fulfill conditions of approval.
26. Prior to issuance of a building permit, applicant shall obtain approval of a materials and debris containment plan from the Building Official. Upon issuance of the building permit, the developer shall use and maintain throughout construction of the project a materials and debris enclosure in accordance with the approved plan.
27. All walls, fences, and gates visible from streets, parking lots, and common areas shall be constructed of decorative materials and installed by the applicant. Unless specifically shown on the approved plans, the use of chain link fence or colored, common gray or painted CMU block shall not be permitted.
28. Applicant shall submit landscaping and irrigation construction documents for Community Development staff review and approval prior to the issuance of a building permit. Landscape and irrigation construction documents shall include all required common area, parking lot, and perimeter landscaping.
29. Unless approved by a phasing plan, all landscaping shall be installed with the first phase of development. All landscaping shall be maintained by the applicant or property owner(s) association.
30. Applicant shall comply with all conditions of approval for CUP-08-540109.
31. All parking spaces required by Section 19.10.1 of the Development Code must be free, unfettered, and permanently available to all users. They must also be maintained for public parking purposes only. This applies to both covered and uncovered parking spaces (required spaces may be covered so long as they are not reserved). Only parking spaces provided in excess of the number required by the Code may be reserved - covered or uncovered - for specific users.
32. All grading and construction/staging activity must remain completely on-site, or will require the approval of any and all affected adjacent property owner(s).
33. Applicant is required to bond for all perimeter landscaping and common open space landscaping and amenities. The amount of bond will be based on the City of Henderson bond and fee form.
34. Applicant shall submit a landscape plan that shows the proposed landscape boulders within the reserved parking area for Phase 2 prior to issuance of a building permit. The large landscape boulders shall not be removed from the site until such time for development of Phase 2.

The vote favoring final approval was: Those voting aye: Bochanis, Bateman, Belingheri, Burr, Mannion, and Shaw. Those voting nay: None. Those absent: March. Those abstaining: None. Chairman Shaw declared the motion carried.

13.	ZOA-08-680002	PUBLIC HEARING ZONING ORDINANCE AMENDMENT TEENAGE NIGHTCLUB AND TEENAGE DANCEHALL APPLICANT: CITY OF HENDERSON	12/16/08
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An ordinance of the City Council of the City of Henderson, Nevada, to amend the following sections of the Henderson Development Code (Title 19) to establish standards for Teenage Nightclubs and Teenage Dancehalls and amend the definition for Live Entertainment. Amend Table 19.4.3.1 to add a use category for Teenage Nightclub and Teenage Dancehall, Section 19.4.3.G to add use standards for Teenage Nightclub and Teenage Dancehall, Section 19.7.1.C to add a Use Classification (definition) for Teenage Nightclub and Teenage Dancehall, and Section 19.14.2 to amend the definition for Live Entertainment and other matters related thereto.

Eddie Dichter, Principal Planner, read a summary of the proposed item and stated staff recommends approval.

Chairman Shaw opened the public hearing at 8:14 p.m., asking if there was anyone present wishing to speak for or against this item.

There being no one wishing to speak, the public hearing was closed immediately.

(Motion) Commissioner Burr introduced a motion recommending approval.

The vote favoring approval was: Those voting aye: Bochanis, Bateman, Belingheri, Burr, Mannion, and Shaw. Those voting nay: None. Those absent: March. Those abstaining: None. Chairman Shaw declared the motion carried.

14.		RESOLUTION LAKEMOOR REDEVELOPMENT AREA PRELIMINARY PLAN AND RESOLUTION APPLICANT: CITY OF HENDERSON	
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A Resolution of the Planning Commission of the City of Henderson selecting boundaries for a proposed redevelopment project area, approving a preliminary plan for the proposed project area and approving transmittal of the plan to the Henderson Redevelopment Agency.

Eddie Dichter, Principal Planner, read a summary of the proposed item and stated staff recommends approval.

Chairman Shaw opened the public hearing at 8:16 p.m., asking if there was anyone present wishing to speak for or against this item.

There being no one wishing to speak, the public hearing was closed immediately.

A discussion ensued regarding the boundaries of the redevelopment area.

(Motion) Commissioner Bateman introduced a motion recommending approval.

The vote favoring approval was: Those voting aye: Bochanis, Bateman, Belingheri, Burr, Mannion, and Shaw. Those voting nay: None. Those absent: March. Those abstaining: None. Chairman Shaw declared the motion carried.

VIII. PUBLIC COMMENT:

There were no comments presented by the public.

IX. DIRECTOR'S/CHAIRMAN'S BUSINESS:

There was no business to be discussed.

X. ADJOURNMENT:

There being no further business to come before the Commission,
Chairman Shaw adjourned the meeting at 8:20 p.m.

APPROVED:

Dan Shaw, Chairman